IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 14970 of 2007(F)

AGAINST THE ORDER IN EP.37 TO 39/2005 IN LAR.117, 119 & 120/1990 of SUB COURT, THIRUVALLA
.....

PETITIONER:

JACOB VARGHESE, AGED 55 YEARS,
S/O.LATE CHACKO KOCHU CHACKO,
ELANJICKAL, PIRALASSERY MURI, MULAKKUZHA,
THIRUVALLA, PATHANAMTHITTA, PRESENTLY RESIDING
AT ELANJIKKAL KARUKAYIL, PADINJATTUM MURI,
NIRANAM VILLAGE, THIRUVALLA.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA.

2. LAND ACQUISITION OFFICER (SPL.THAHASILDAR), LAND ACQUISITION OFFICER, NATIONAL HIGHWAY, KOLLAM.

BY GOVERNMENT PLEADER SMT. R. BINDU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 14970 OF 2007

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Dated this the 23rd day of May, 2007.

J U D G M E N T

This writ petition is filed challenging the orders in E.A. 39/07, 41/07 and 43/07 in E.P.37/05, 38/05 and 39/05 in LAR 117/90, 119/90 and 120/90 respectively. The land was acquired by the Government in the year 1988 and the L.A.R. was filed in the year 1990 and the claimants are made to run from one end to the other without realising the amount though they are armed and equipped with the award passed by the competent courts. When such is the pitiable position of the claimants, they moved the above execution applications for attachment of the relief funds which was negatived by the Subordinate Judge, Thiruvalla and it was against that decision the present writ petition is filed.

2. The learned Government Pleader takes notice. The question whether the funds allotted for a particular purpose can be attached and made use of for realisation of the decree debt, need not detain long for the reason that it is the equal responsibility of the State Government to make payment of the land that had been acquired at least two decades back.

Therefore, there is a positive direction given to the State to deposit the decree amount due under the three Land Acquisition References made above within a period of three months from today. This Court earnestly hopes that the Government shall do accordingly so that the grievance of the poor claimants are ventilated.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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